

## **REMARKS/ARGUMENTS**

### **Claim Objections**

Applicant respectfully submits that the amendments to the Claims eliminate the objections stated by the Examiner as to Claims 1 and 15. Claim 16 has been canceled. In the Claims as amended, the term "removable component" has been replaced by the term "bicycle seat assembly" so as to no longer include a bicycle wheel and axel assembly, and to improve clarity. Claim 15 has been amended to depend from Claim 2 instead of Claim 1.

### **35 USC §102 (b)**

Reconsideration and allowance are requested of Claims 1-6, 8-13, 15, 18, 19, 21 and 22, which the Examiner has rejected under 35 USC § 102 (b). MPEP § 706.02(b) states that a 35 USC § 102(b) rejection can be overcome by persuasively arguing that the claims are patentably distinguishable from the prior art reference, and/or by amending the claims to patentably distinguish over the prior art.

Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. Carella v. Starlight Archery and Pro Line Co., 804 F.2d 135, 138, 231 USPQ 644, 646 (Fed.Cir.1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Research Foundation v. Genentech, Inc., 927 F.2d 1565, 1576 (C.A. Fed. 1991).

Applicant respectfully submits that the 35 USC § 102(b) rejection to the above referenced Claims has been overcome because Applicant has amended the Claims so

that the term "removable component" has been replaced with the term "bicycle seat assembly." The Katsouros reference does not disclose a device for locking a bicycle seat assembly to a fixed component such as a bicycle frame. Therefore, Katsouros does not anticipate Applicant's claimed invention because it does not teach all the elements and limitations of Applicant's Claims.

### **35 USC § 103(a)**

Reconsideration and allowance are requested of Claims 7 and 14, which the Examiner has rejected under 35 USC § 103(a) as unpatentable over Katsouros in view of Chang. Claims 1 and 13, from which Claims 7 and 14 depend, are also discussed below. A *prima facie* case of obviousness requires (1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all the claim limitations. In re Sang-Su Lee, 277 F.3d 1338, 61 USPQ 2d 1430 (Fed. Cir. 2002) (and cases cited therein). Applicant respectfully submits that a *prima facie* case has not been established.

### **Amended Claim 1**

Applicant respectfully submits that Katsouros in view of Chang does not teach or suggest the locking device as now set forth in Applicant's Claim 1. As seen in Chang's figures, Chang discloses the locking mechanism of the device at the "pivot end" of the lever, not at the "handle end" of the lever. Similarly, Katsouros does not disclose the locking mechanism at the "handle end" of the lever. Since the lock is not combined with the "handle end" of the lever in Katsouros and Chang, the handle end of the lever is

exposed which allows a thief to use the exposed portion of the lever when prying the lever away from the device or breaking the lock.

In contrast, Applicant's Claim 1 claims "a locking mechanism operatively combined with the handle end of the lever . . . ." The location of the lock in Applicant's claimed invention provides patentably significant advantages over the cited prior art. The lock placement in the "handle end" of Applicant's claimed invention makes it more difficult for a thief to steal the bicycle seat because it is more difficult for the thief to insert a pry bar under the lever and break the lock since the entire length of the lever (from the pivot end to the lock in the handle end) is secured to the device with the lock.

#### **Amended Claim 7**

Applicant respectfully submits that the cited prior art does not teach or suggest the locking device of Applicant's amended Claim 7. The structural configuration of Applicant's invention as claimed in Claim 7 is patentably distinguishable from the cited prior art for all the reasons set forth above with reference to Claim 1. In addition, amended Claim 7 claims "the receiving member extends from the collar in a first direction, and the first and second members extend from the collar in the opposite direction . . . ." Neither the Katsouros reference nor the Chang reference discloses a locking quick release device in which the receiving member (for the lock) is located on the side opposite the bifurcated members. This configuration of Applicant's claimed invention allows the structural advantage of having the lever extend along the side of the collar while it is in the locked position. This makes it more difficult for a thief to steal the bicycle seat because it is almost impossible for a thief to insert a pry bar under

the lever and break the lock since the entire length of the lever (from the pivot end to the lock in the handle end) fits snugly along the side of the collar. The exposure of the handle end of the lever in Katsouros and Chang allows a thief to use the exposed portion of the lever when prying the lever away from the device or breaking the lock.

### **Amended Claim 13**

Claim 13 is patently distinguishable from the cited prior art for the reasons stated above with respect to Claim 1. In addition, Applicant has amended Claim 13 to clarify the location of the thumb screw in Applicant's locking device. The thumb screw is best seen in Applicant's Figure 2, with the thumb screw shown as element number 22. As described in Applicant's patent application at pages 6-7:

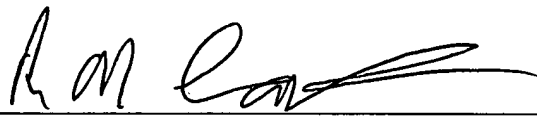
In the preferred embodiment, the thumb screw 22 is not located on an end of the bifurcated end 13a, rather there is an opening in the bifurcated end 13a along the axis of the bolt 12 from which the thumb screw 22 extends. This allows the thumb screw 22 to be manually adjusted when the lever 10 is in the open position, yet unable to be adjusted or reached with a wrench when the lever 10 is in the closed position because of the pressure between the thumb screw 22 and bifurcated end 13a that exists when the lever 10 is closed. The thumb screw 22 is also difficult to reach with a wrench because the majority of it is embedded within the bifurcated end 13a, as shown in FIGS. 1 and 2.

In contrast, both the Katsouros and the Chang references disclose nuts that are exposed on one end of the locking quick release device. The exposure of the nuts allows a thief to employ a wrench or pliers to loosen the clamping power of the device and steal the removable component. It is extremely difficult for this to happen in Applicant's claimed invention because the thumb screw is embedded in the device so that it is inaccessible by a wrench or pliers.

It is respectfully submitted that this response places Applicant's application in condition for allowance, and therefore further and favorable action on this application is requested.

Respectfully submitted,

ROBERT J. SMITH, JR. and RICHARD L.  
SMITH

By: 

Ryan N. Carter  
Attorney for Applicant

Ryan N. Carter  
Shuttleworth & Ingersoll, PLC  
115 3<sup>rd</sup> Street SE, Suite 500  
P.O. Box 2107  
Cedar Rapids, IA 52406  
Phone: (319) 365-9461  
Fax: (319) 365-8443  
Email: [rnc@shuttleworthlaw.com](mailto:rnc@shuttleworthlaw.com)  
Reg. No.: 51,533  
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Ryan N. Carter, Registered Representative